

Joel Macon
Mayor

Alan Gilbert
Councilman

Jerry Johnson
Councilman



Dan Wilcox
Mayor Pro Tem

Pat Efird
Councilwoman

Timothy Owens
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2978
FAX 910 458 2997

Planning & Zoning Commission Minutes

April 10, 2008

7:00 P.M.

ITEM #1 Call to Order & Roll Call 7:02pm

Chairwoman McQuillen calls the meeting to order.

Commissioners Present: 5

Sarah Efird
Betsy McQuillen
Jim Miller
Greg Reynolds
Shawn Underwood

Commissioners Absent: 2

Bill Parker
Jim Rees

Staff Present: Gary Ferguson – Planning Director, Jeremy Hardison – Zoning Administrator, Karen Middleton – Secretary, and Mary Grady – Permit Technician.

ITEM #2 Approval of the Minutes 7:02pm

February 21, 2008 – Mr. Underwood moves to approve the minutes as presented. Ms. Efird seconds. All ayes. Motion carries unanimously.

March 13, 2008 – Mr. Underwood moves to approve the minutes as presented. Mr. Miller seconds. All ayes. Motion carries unanimously.

ITEM #3 **Text Amendment:** Consider amending the Zoning Ordinance to consider increasing the allowances such as, but not limited to, number, size, and time limit for real estate promotional signs.

Applicant: Lakeview of Carolina Beach, LLC

7:03pm

Mr. Ferguson presents Senior Planner Ed Parvin's memo

Summary of the Request:

The applicant, Lakeview at Carolina Beach, LLC, is requesting an amendment to allow more real estate advertisement signage for residential and mixed use projects that are apparently 30,000 square feet in size or larger. The specific period of display of these signs would be twelve (12) months after substantial completion, but allowances could extend indefinitely. Under the request the sizes would be allowed to equal 25% of each

building face and could be placed on the property as freestanding and attached as long as they do not protrude into the right-of-way.

Lakeview at Carolina Beach, LLC is the owner of Waterview Condos which was constructed at 305 South Lake Park Blvd. The zoning of the lot is split with T-1 on the east and MX on the west. Currently Waterview condos have several sign violations on-site. Waterview Condos has been receiving weekly violations from the Town for violations to Article 11 Sign and Handbill Regulations (see Exhibit A).

Current Allowances:

One of each type of sign listed below is permitted by our ordinance. Our ordinance has the following allowances for signs in the MX/T-1 areas:

TYPE OF SIGN	SIZE
Attached Sign	25% of the front building facade
Banner Sign	20 square feet (4 weeks out of the year)
Construction Sign	40 sq. ft. in T-1/ 20 sq. ft. in MX. Waterview would be allowed 40 square feet.
Directional Sign	4 square feet
Flags	36"X60"
Freestanding Sign	½ sq. ft. per linear footage of road frontage
Integral Sign	4 square feet
Portable Sign	20 square feet, 4 weeks a year. allowed in MX not T-1 (would be allowed at Waterview)
Real Estate Sign	6 square feet

1. Long Range Planning/Land Use Plan (impacts on the Town):

In the 2007 Land Use Plan there is no specific policy that addresses this issue, however, there are indirect policies relating to signs in regards to aesthetics, code enforcement, and Wayfinding.

1. Aesthetics: The 2007 Land Use Plan talks about a need to monitor aesthetics associated with a prevalence of signage. Covering 25% of each side of a building in addition to current allowances is considered by staff to be inconsistent with maintaining aesthetics on and around structures in the community.
2. Code Enforcement: The 2007 Land Use Plan points out a need for code enforcement in relation to insuring sign ordinances are upheld. Our goal is to implement an ordinance allowing the proper signage needed without putting extra burdens on code enforcement.
3. Wayfinding Signage: The language in the CBD Master Development Plan focuses on the need for wayfinding signage. The land use plan discusses under policies 9-12 the need and importance of public signage. Staff level discussions focused on concerns of an increase in other types of signs in areas such as MX and T-1 which may distract from Wayfinding and public safety type signs which are valued by the Town.

Excerpts from the Land Use Plan:

3.3.2 Land Use Conflicts and Land Use and Water Quality Conflicts

Lighting, aesthetic issues, and noise generated from parking lot floodlights and large signs in the HB District does affect the immediate residential areas. The Town is currently re-viewing its Zoning Ordinance to include signage and lighting regulations, in addition to its landscaping regulations.

2.1 Key Planning Issues Impacting Carolina Beach

Prevalence of signage and associated aesthetic problems and need for Code Enforcement; and Establish mechanism to monitor aesthetic and appearance of commercial development. The new issue item representing this combination is referred to as:

A need for the Town to address aesthetic issues regarding signage and the architectural appearance of commercial development

2.2 Identification of Existing and Emerging Development Conditions

Growth and development, particularly of commercial structures, has created an aesthetic concern over the prevalence of signs and architecture of certain buildings.

Public Access Signage

9. A uniform system of signs that clearly identify all public accessways, access boundaries, vista points, bicycle paths, specific shoreline destinations and areas where access is hazardous and/or restricted shall be provided by the appropriate managing agency or the Town.
10. Natural or visually compatible materials shall be used and signs and accessway boundary markers shall be compatible with the scenic quality of the area.
11. All unimproved accessways available to the public shall have signs posted regarding possible safety risks.
12. Hazardous areas that are closed to the public shall be appropriately signed to prohibit access.

Excerpt from the CBD Master Development Plan:

Wayfinding Plan

The Town should develop a Wayfinding Plan for Carolina Beach. A Wayfinding system is a coordinated and comprehensive information system allowing people to navigate their way through unfamiliar territory. The Wayfinding Plan should define gateways and features and should develop a thematic directional signage that emphasizes the Town's identity and directs people to the Town's attractions.

Staff is providing three options for your consideration:

Option 1: No change - Maintain existing sign regulations allowing real estate to be advertised under the current ordinance. Traditionally staff has had difficulties enforcing what is advertised on construction signs. Staff recommends review of this section of the ordinance.

Option 2: Adopt the language proposed by the applicant

Positive:

1. Increases allowance and visibility to larger residential properties in the Town.

Negatives:

1. The ordinance would greatly increase the amount of signage allowed on real estate for potentially 1 ½ years on each site.
2. The increase in temporary signage would be difficult to permit, track, and enforce and may be considered unfair or a nuisance to nearby residences and business.
3. The large allowance in signs would take away from the effectiveness of a Wayfinding system that the Town hopes to implement with the CBD master development plan.

Option 3: Modify our current allowance for construction signs to include sales information and increase the size, types, and time durations allowed on new development sites in Carolina Beach. Changes to the construction signs:

1. Under this option construction signs will allow for real estate sale information that was previously prohibited. Maintaining compliance with this prohibition on construction signs has been difficult for staff to enforce. Many existing construction signs are in existence with sales information. Staff regulates this when issuing a sign permit, but violations still occur and enforcement of this particular regulation has not been a priority.
2. Under this option staff is proposing to double the original construction sign. In addition the allowance has been broadened to allow freestanding and attached signage for more visibility. The allocation of the size allowance can be used however the developer chooses.
3. The timeframe for construction/promotional signs will expand from only during construction to 90 days after issuance of a certificate of occupancy.

Positives:

1. Uniformly increases allowances for advertising properties in Carolina Beach.
2. Resolves current code enforcement issues faced with existing construction signs.

3. Easy to interpret and enforce for staff and developers
4. Reasonable limitations on the amount of signage and timeframe which may lessen impacts on taking emphasis away from Wayfinding signs.

Negatives:

1. Doubles amount of signage allowed for all new development
2. Does not allow the amount of signage requested by Waterview

TECHNICAL REVIEW COMMITTEE

This application was reviewed by planning staff after our regularly scheduled TRC meeting. It was moved forward in order to address the sign issues at Waterview as was agreed to by staff.

STAFF RECOMMENDATION

Planning staff has completed a thorough review of our current ordinance allowances and concludes they are sufficient. However, option 3 allows those seeking investment opportunities in the Town a better chance to identify and advertise new projects. This could spur increase interest in development and redevelopment in and around areas where new building is occurring. Option three will also give some relief to developers having trouble with sales due to a depressed market. Staff concludes that option 3 would be in general conformity with the 2007 Land Use Plan.

Option 3:

11.2 Definitions

- *Construction/Promotional Sign* – A sign that identifies on-site construction and future development to occur on the property and typically containing the names of contractors, architects, and lending institutions. This sign may also include real estate sales information.

11.4 Special Provisions:

h. Allowed as a freestanding or attached signage only during the construction of a building or development site and for a period not to exceed 90 days after an issuance of a certificate of occupancy.

OPTION 3:

11.3 Schedule of Regulations.

SIGN TYPE	ZONING DISTRICTS													SETBACK	SPECIAL PROVISIONS
	Max. Allowable Sq. Ft./Height														
	CBD	NB	HB	MB-1	I-1	T-1	R1	R1-B	R2	R3	MF	MH	MX		
Construction Sign	P	P	P	P	P	P	P	P	P	P	P	P	P		h
	40 80	40 80	40 80	40 80	40 80	40 80	20 40	20 40	20 40	20 40	20 40	20 40	20 40		
	sf/ 15'	sf/ 15'	sf/ 15'	sf/ 15'	sf/ 15'	sf/ 15'	sf/ 5'	sf/ 5'	sf/ 5'	sf/ 5'	sf/ 5'	sf/ 5'	sf/ 5'		

EXHIBIT A:

Joel Macon
Mayor

Alan Gilbert
Councilman

Jerry Johnson
Councilman



Dan Wilcox
Mayor Pro Tem

Pat Efird
Councilwoman

Timothy Owens
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Blvd
Carolina Beach, North Carolina 28428
(910) 458-2978
FAX (910) 458-2997

March 31, 2008

CIVIL CITATION

**CIVIL CITATION # 08-11
13**

CERTIFIED MAIL # 7007-2680-0001-0791-5920

Lakeview at Carolina Beach, LLC
15770 Dallas Pkwy Unit 700
Dallas, TX 75248

Lakeview at Carolina Beach, LLC representative:

Please be advised that you are in violation of Article 11 of the Code of Ordinances of the Town of Carolina Beach in that illegal oversized temporary banner signs exist without permits at 305 South Lake Park Blvd (PIN # 313014-43-9929-000). You have received 12 citations regarding this same issue and you are still disregarding the town's ordinances.

This citation covers the week of March 22, 2008 through March 28, 2008 and subjects you to a civil penalty in the amount of \$50.00 per day per each violation, for a total of \$2,450.00 for the week. You displayed seven (7) signs without permit that violate the ordinance March 22 – March 28, 2008. If this penalty is not paid within fifteen (15) days of the date shown below, the Town of Carolina Beach may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty.

The sign violations at 305 S Lake Park Blvd have resulted in citations with a cumulative total of \$17,250.

CITATIONS MAY BE ISSUED EACH DAY OR WEEKLY THAT THE OFFENSE CONTINUES UNTIL THE PROHIBITED ACTIVITY OR VIOLATION IS CEASED OR ABATED

This citation issued on March 31, 2008 must be paid by April 15, 2008 at the Water Billing Department of the Town of Carolina Beach Municipal Building.

Issued by:

Gary Ferguson
Planning Director
Planning & Development Department

Date:

March 31, 2007

**CC: Mayor & Town Council
Town Manager**

OPTION 2
To Petition for Zoning Text Amendment

Add new Section 11.10 to the Town of Carolina Beach Zoning Ordinance as follows:

Sec. 11.10 Certain Real Estate Promotional Signs Permitted

Notwithstanding anything in this Article to the contrary, promotional signs for the sale or lease of units in residential and mixed-use projects exceeding a total of 30,000 net assignable square feet shall be permitted upon the development property, commencing with substantial completion of the project and continuing for a period of twelve (12) months from the issuance of a certificate of occupancy, under the following conditions:

- (a) the total area (measured in square feet) of all promotional signs shall not exceed seven and one-half (7.5) percent of the total net assignable square feet of residential units within the project;
- (b) no sign or combination of signs shall exceed twenty-five (25) percent of the building face area upon which the signs are placed;
- (c) no sign shall protrude into public areas, including public roads or pedestrian rights-of-way;
- (d) the twelve (12) month period may be extended for successive six (6) month periods by the Planning Director or City Council for phased projects or when 50% of the residential units within the project remain unoccupied; and
- (e) all signs shall otherwise comply with the provisions of Section 11.5 of this Article.

This section shall be effective January 1, 2008, and apply retroactively to that date.

---End of Memo---

Commission Questions

Mr. Underwood asks about construction signs versus for sale signs; Mr. Ferguson explains that there are currently many signs out there that are categorized as construction signs but really are promotional signs. Mr. Underwood asks if staff feels more signs will change the depressed real estate market; Mr. Ferguson answers no, and adds that there are other forms of marketing available. Ms. McQuillen asks what problems the Town is experiencing with the current sign regulations; Mr. Ferguson says that currently the Town does not have a Code Enforcement Officer, and this responsibility is shared by existing staff, and the most effective plan for staff currently is the recent creation of a sign brochure that explains to businesses and citizens what is and what is not allowed.

Applicant

Colin Terrin, Attorney with Shanklin & Nichols – admits that there is a large amount of signage on the Waterview property. The owners have been receiving citations from the Town explaining that they were in violation of the sign ordinance. Mr. Terrin explains that he then contacted the Planning Department to explain how he did not feel it was beneficial to the owners or the Town to have empty units, and Mr. Ferguson told them that he would try to do what he could to work with Waterview. At that point, Waterview scaled back to seven signs, and proposed this text amendment. He thinks this proposal is a compromise that benefits both parties. He explains why he chose the requirements of the proposal. He feels that Option #3 in staff's memo is not too far from his proposal. He recommends that there be a condition for extension for cause.

Public Comments

Don Motsinger, 107 Carolina Beach Ave S – does not think the ordinance needs fixing. He acknowledges the reason for the signs located at Waterview – to attract attention of potential buyers, but he thinks the signs make the project look cheap.

End of Public Comments

Commission Discussion

Mr. Underwood does not think it is a function of local government to help people sell their properties. The current sign ordinance works, and he does not see a need to change it. The current market is a depressed one, and bigger signs are not going to help them sell more, and the signs are obnoxious. Ms. Eford and Mr. Miller agree. Ms. McQuillen sympathizes with the properties not selling. She is in real estate, and when she lists a large property, she only uses one sign because it is classier. She then says there are various venues for advertisement, and having signs all over a project goes against what the Town is trying to do, which is clean itself up.

Motion

Mr. Underwood moves to recommend Option #1 – no change to the ordinance. Mr. Miller seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #4 **Text Amendment:** Consider amending the Code of Ordinances: Sections 12-106 Subdivision Regulations/Lots to eliminate the minimum depth requirements on lots in all zones. **7:29pm**

Mr. Ferguson presents his memo

The Town is requesting to amend the subdivision regulations to eliminate the 100ft minimum depth requirement for newly created lots. In reviewing other coastal community subdivision's regulations we found only Atlantic Beach has a minimum lot depth requirement while the Towns of Nags Head, Kitty Hawk, Kure Beach, Pine Knolls Shores, and Topsail Beach have no minimum. It's staff's opinion that a minimum lot depth requirement serves no useful purpose as long as lot area and lot frontage requirements are established. For this reason, staff recommends eliminating the 100ft minimum lot depth standard.

Sec. 12-106. Lots. (c) *Area and dimensions:*

(1) Area and dimensions of all lots shall conform to the requirements of the zoning ordinance (Appendix A) when applicable and those building sites not served by a public sanitary sewer system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with county board of health and state commission for health services standards (see section 12-52(c)). The width and area of all lots served by on-site sewage disposal systems and individual wells shall not be less than one hundred (100) feet in width and twenty thousand (20,000) square feet in area.

~~(2) Lots shall have a minimum average depth of one hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two (2) to one (1) shall be considered a desirable ratio under normal conditions.~~

(3) Width of lots shall conform to the requirements of the zoning ordinance (Appendix A) when applicable, and in no case shall a lot be less than fifty (50) feet in width at the building setback line.

(4) Depth and width of lots or parcels reserved or laid out for business, commercial, or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions, when applicable, for such use.

(d) *Lots with frontal dunes.* Notwithstanding the provisions of this article, all lots of a proposed subdivision shall be so designed and/or laid out in a fashion so that adequate space is provided for the placement of structures and/or other improvements on the subject lot or lots without altering or otherwise disturbing the frontal dunes, as defined by section 12-37. If this provision is held to be in conflict with any other regulation of this article or other requirement, the more restrictive of the conflicting requirements shall be adhered to. This provision is not to be construed as limiting other requirements of this article, such as building setback lines or other requirements when conflicts arise. All necessary provisions of this article shall be complied with unless approval for a variance from such requirements is given by the appropriate jurisdictional agency or agencies.

TRC Recommendations

Town Manager – No flag lots. Add alternative.

TRC Consensus – Prohibit flag lots, and eliminate min. depth requirements.

Staff Recommendation

Because the minimum lot area and lot frontage requirements will be maintained based on the zoning district where land is proposed to be subdivided, Staff can find no negative consequences of eliminating the minimum lot depth

requirements and therefore recommends approval of the proposed amendment as presented. In addition, Staff can find no specific or general Land Use Plan policies that speak to this issue and therefore we find it in general conformity with the Plan.

---End of Memo---

Commission Questions

Mr. Underwood says there is still a lot square footage within the subdivision ordinance; Mr. Ferguson confirms, adding that the square footage requirement depends on the zoning district. The Commissioners discuss the potential problems this may cause, but agree that developers will probably not try to use this in a bad way. Mr. Ferguson says that developers typically try to minimize road frontage, if anything. Mr. Underwood thinks the setbacks will dictate all this, forecasting that developers will not want to build a really skinny house. Mr. Ferguson goes on to explain different types of flag lots to the Commissioners. Mr. Reynolds asks about easements; Mr. Ferguson says a property must have some type of road frontage.

Public Comments

No one speaks.

End of Public Comments

Commission Discussion

Ms. McQuillen would like to see the minimum depth requirement removed. Mr. Underwood feels the setbacks will take care of any problems. Mr. Miller agrees. Mr. Reynolds feels builders will maximize whatever they can build, and does not think removing it would be a problem. Ms. Efirid still has reservations because she feels this could create situations where houses are incredibly backed up to each other and close. Ms. McQuillen asks if her fellow commissioners want to consider prohibiting flag lots. Mr. Ferguson adds that some communities just put some limitations on them, such as only 10% of all the Town's lots can be flag lots. Ms. McQuillen does not want to consider making a recommendation on flag lots because she thinks it calls for more research. She wants the subdivision ordinance looked at closely in the future. Mr. Reynolds, on the other hand, thinks flag lots are positive.

Motion

Mr. Underwood moves to recommend the removal of the 100ft minimum lot depth standard. Mr. Reynolds seconds. Mr. Underwood, Mr. Reynolds, Ms. McQuillen, and Mr. Miller – ayes. Ms. Efirid – nay. **Motion carries by a four to one vote (4 to 1).**

ITEM #5 **Text Amendment:** Consider amending the Zoning Ordinance to allow any town facility or utility improvement in any zone as a permitted use and not a conditional use. Public comments welcome.

7:46pm

Mr. Hardison presents Senior Planner Ed Parvin's memo

Background/Analysis:

Staff is requesting to amend allowances for public facilities and utilities. Currently, many of these uses require a conditional use permit. Public projects are driven by Town Council and have already been through an approval process. Conditional Use Permits for Town Facilities / Utilities are unnecessary due to the Town being the regulatory body placing the conditions on their uses.

After researching several ordinances in North Carolina there does not appear to be a standard established as to how municipalities handle public uses.

Excerpt A shows language from other Coastal Communities. Emerald Isle and Surf City allow public facilities/utilities by right in all zones. One exception in Surf City is for: **Public utility works, shops, storage yards, substations.**

These uses are permitted by right but only in commercial areas. Atlantic Beach does not have a table of permitted uses but a list of uses allowed in each zone. Included in *Excerpt A* are the uses allowed in one residential district and one commercial district. Each residential and commercial district has its own distinct public uses allowed.

Below are two alternatives to consider for Carolina Beach's public uses:

Alternative #1

Maintain current ordinance language, keeping many facilities and utilities as conditional uses.

Positive:

1. Increases public input

Negative:

1. Delays implementation of Town Council's goals

Alternative #2: Allow town facilities and utilities to be reviewed by staff, and be permitted by right.

Some uses may have increased impacts on surrounding areas such as fire stations or skate parks. These uses may still be subject to a public hearing if deemed necessary by Town Council.

Positives:

1. Town Council and staff can reach goals and objectives without being delayed by the CUP process.
2. This option removes the redundancy in review by staff and boards: These projects are already approved by Town Council.
3. As the regulatory body the Town puts restrictions on new development. A CUP process ensures our regulations are followed. The Town (regulators) would add any needed conditions through our normal permitting process.

Negative:

1. Removes allowances for more public comments during the CUP process for these projects.

Staff Recommendation:

Staff recommends Alternative #2 which allows the Town to move forward on projects already approved by Town Council and it lets staff focus on projects proposed by outside entities. This amendment is in general conformity with the 2007 Land Use Plan.

TECHNICAL REVIEW COMMITTEE

Operations – Town utilities should be permitted.

Planning – New category/use: Town-Owned Facilities should be permitted in all zones in Table of Permissible Uses. Town Manager to send Planner language from Shallotte, Planner to draft new language/use.

TRC recommends approval of the text amendment and finds the proposal to be in generally conformity with the 2007 Land Use Plan and other long range planning documents.

PROPOSED TEXT CHANGE:

Sec. 12.2. Development standards for particular uses.

Town Facilities / Utilities

All Town facilities including: parks, playgrounds, recreation centers, fire stations, emergency services and public buildings shall be permitted by right.

All Town utilities including: transmission lines, telephone repeater stations, relay stations, water supply reservoirs, wells, filter beds, sewage treatment plants, pumping stations, electric power and gas substations, service or storage yards shall be permitted by right.

USES OF LAND ↓	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB	T-1	I-1
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Town Facilities / Utilities (See Art 12.2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities transmission lines, public (See Art 12.2)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Fire stations, emergency services, non-profit	C	C	C	C		C	C	C	C		C			C

EXCERPT A

Emerald Isle:

Table of Permitted and Special Uses

Permitted Uses (P) and Special Uses (S) within zoning districts.

TABLE INSET:

	R1	R2	RMF	INT	B-1	B-2	B-3	MH1	MH2	C	RMH	VE	VW
Government Uses	P	P	P	P	P	P	P	P	P	P	P	P	P

Surf City:

USES	R A	R - 1 0	R - 5	R-5M	PUD	MHS	CON	G - 1	C - 1	MU	C - 3	O&I	NB	R-15	SF	MFC
Public buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public or private electric utility substations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public utility distribution lines, transformer stations, transmission lines, towers and water tanks, sewer plants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public utility works, shops, storage yards, substations								P	P	P	P	P	P			

Atlantic Beach:

Residential District:

(1) Permitted uses.

- a. Churches.
- b. Clubs (civic or non-profit), provided that the chief activity is not one customarily carried on as a business.
- c. Condominiums, residential (SR#2).
- d. Customary accessory buildings.
- e. Customary home occupations.

- f. Duplex, triples and four family dwellings.
- g. Greenhouses which are incidental to the residential use and conducted on a non-profit basis only.
- h. Grounds and facilities for community and recreational facilities which are operated on a non-profit basis.
- i. Guest house.
- j. Hospital, except animal hospital, clinics.
- k. Hotel, motor court, motel, inn or other similar structure, provided not structure erected as a hotel, motor court, motel and etc. shall be designed, constructed, reconstructed or altered for any commercial purpose except for the sole convenience of the guests or tenants thereof. Hotels and motels see SR#7.
- l. Libraries.
- m. Mobile homes when used as a single family dwelling. (SR#3)
- n. Public schools and private schools.
- o. Public utility distribution lines, transformer stations, transmission lines and towers, but not service or storage buildings.
- p. Publicly owned and operated buildings and structure including auditoriums built in connection with a hotel.
- q. Single family dwellings, conventional or modular.
- r. Recreational vehicle parks. (SR#4)
- s. Sewer system—Type A.

Business districts.

(a) *RC resort commercial zone.*

(1) Permitted uses.

- a. Accessory buildings, customary.
- b. Administrative office facilities.
- c. Antique shop.
- d. Arcades.
- e. Art museums.
- f. Audio and/or video recording studio.
- g. Bakery goods sales shop.
- h. Banks.
- i. Barber/beauty shops.
- j. Beachwear sales.
- k. Book/magazine/newspaper store.
- l. Churches.
- m. Concessions.
- n. Convenience stores.
- o. Drugstores.
- p. Exhibition building, galleries or show room, dairy bar/ice cream parlor.
- q. Fishing piers.
- r. Fishing tackle shop.
- s. Flower shop.
- t. Food stores.
- u. Gift shop.
- v. Hobby shop.
- w. Hotels/motels. (SR#7)
- x. Indoor commercial recreation.
- y. Jewelry store.
- z. Leather goods store.
- aa. Marinas.
- bb. Massage and bodywork therapy practices licensed pursuant to NC General Statutes 90-623.
- cc. Maze.
- dd. Medical offices.
- ee. Municipal buildings.
- ff. Novelty shops.
- gg. Photo studios.

- hh. Public beach access facilities and related public parking.
- ii. Restaurants, sit-down.
- jj. All retail sales or rental businesses other than the sale, repair or rental of jet skis and water vessels.
- kk. Sporting goods store.
- ll. Travel bureaus.
- mm. Sewer system — Type A.

Special uses.

- a. Adult oriented businesses subject to other regulations outlined within this section and properly licensed in accordance with the regulations outlined within chapter 9, article VII licenses and business regulations of the Town of Atlantic Beach Code of Ordinances. (SR #5)
- b. Amusement rides.
- c. Beach bingo.
- d. Bowling lanes.
- e. Buildings for the storage of property commonly known as cubicle storage buildings or mini warehouse storage buildings provided that all storage is within the building enclosure and no storage is allowed on the exterior of such buildings.
- f. Delicatessen.
- g. Dinner theatres.
- h. Dry cleaning and commercial laundry.
- i. Go-cart and other small motorized vehicle tracks.
- j. Indoor theatres.
- k. Laundromat or coin-operated laundry.
- l. Miniature golf.
- m. Parking areas.
- n. Planned unit development. (SR#1)
- o. Public utility buildings.
- p. Single family dwellings, duplexes, triplexes, and quadraplexes, excluding mobile homes, and group housing consistent with SR #2.
- q. Skating and skateboard rinks.
- r. Taverns.
- s. Teenage clubs. (SR#12)
- t. The sale, rental or repair of jet skis and other water vessels (SR#9).
- u. Youth centers (SR#10).
- v. Sewer system—Type B.
- w. Sewer system—Public.

---End of Memo---

Commission Questions/Discussion

Ms. McQuillen understands that Town Council would make the determination if a public hearing was needed; Mr. Hardison confirms. Ms. McQuillen asks if Town Council would have much discussion before a project would begin; Mr. Ferguson answers usually not. He adds that some projects are extremely time-sensitive, and if the Town waits too long then it could miss out on grant money or miss the time period needed to start construction. Mr. Underwood can understand eliminating the P&Z step, but feels it is only fair to the public to allow them to have a chance to speak at a public hearing at Town Council. Mr. Underwood does not see having to wait an extra bit of time making a significant difference. He does not think upgrading the lift station is an emergency; the Town would not have to sink a well in an emergency. Mr. Ferguson says that right now the Town actually has a situation with the well near Oceana and the Town does not know how much longer the well will be in its possession. The Town will be under a very tight deadline to identify a new location, to start the engineering, etc. Mr. Underwood absolutely thinks that, although it would be time-sensitive, the public should have the ability to comment – especially if the well site was to be right next to someone’s house. Mr. Ferguson believes that if the site is in the Town’s jurisdiction and outside the influence of any residential houses, the Town should have the authority to move forward. Mr. Hardison suggests they allow town facilities as permitted uses in some zones and conditional uses in others.

Paul Parker, Operations Director – suggests that public input be allowed to speak during the budget process, rather than the public hearing process. This allows for public comment, but does not elongate the process and force the Town to miss out on grant money. He informs the Commission that the Town already has a permit for this lift station. Mr. Underwood says he would not have a problem permitting town facilities in all zones except in residential. Mr. Parker wants utilities specifically permitted by right in all zones. Mr. Underwood still wants to make sure people can comment. Mr. Reynolds agrees with Mr. Underwood that the public should have the opportunity to make comments.

Public Comments

No one speaks.

End of Public Comments

Commission Questions/Discussion

Mr. Reynolds wants to make sure that all the following zoning districts fall under residential: all of the R zones, Conservation, Manufactured Homes, Multi-Family, and Mixed Use. Ms. McQuillen confirms.

Motion

Mr. Underwood moves to recommend that town facilities and utilities be permitted by right in all zones except for Residential Zones where a Conditional Use is still required by Town Council. Ms. Efird seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #6 **Conditional Use Permit:** Consider a CUP for Pump Station #1 located at 101 Canal Dr (PIN 313011-55-4114-000) and 103 Raleigh Ave (PIN 313011-55-3178-000 and PIN 313011-55-3165-000). **8:04pm**

Mr. Hardison presents Senior Planner Ed Parvin’s memo

BACKGROUND/HISTORY:

The Town is requesting a Conditional Use Permit to expand pump station #1 for lot coverage of approximately 1,880 sq. ft. One structure is currently on the site. The enhancement of the pump station is occurring to update and increase the station’s effectiveness. The existing pump station has not been upgraded in at least the last 30 years. Currently approximately 60% of the Town’s sewage flows to the wet well located at pump station #1. This project has been in planning stages for the last three years. It is needed to replace the old building, outdated electric equipment and undersized wet well for the future flows. The old station is rated for approximately 1500 gpm capacity and the new station will handle 2400 gpm. The station needs to be on-line before the Fairfield and Hilton projects are complete.

ANALYSIS:

Zoning

The building site property total square footage is approximately 7,840 square feet or .18 acres located in CBD. The proposed structures will be approximately 30.5 feet in height. The property is in a AE 13 flood zone and in a CAMA AEC.

Zoning Setbacks	Front	Rear	Side (north)	Corner
CBD required	0’	0’	0’	0’
provided	5’	6’	24.5’	9.5’

Lot Coverage	
CBD max	100% (includes buildings decks, steps)
provided	24%

Lift Station No. 1 Description

The existing Lift Station No. 1 located on the corner of Raleigh Avenue and Canal Drive is scheduled for repair and replacement to meet the demands of the future sanitary sewer flow. This project will construct:

1. A new lift station building,

2. Wet well,
3. Provide new pumps,
4. On-site emergency power,
5. Storage for town maintenance equipment,
6. Screening for the existing trash compactor and two recycle containers, while utilizing the existing lift station wet well.
7. 16" force main down Raleigh to the sewage treatment plant.

Additional Facilities located at the pump station serving the CBD business owners will also be upgraded:

1. CBD trash compactor
2. Grease trap
3. Recycle bin

Proposed pump station capacity

2 pumps at 900 and 2 pumps at 1800 gpm. Giving it a spare pump for both the small and large pump. With one large and small pump out of service, the station will pump approximately 2500 gpm. The new station will also be equipped with diffusers eliminating much of the current smell associated with the site.

Existing station

3 pumps at 1050 gpm: With two pumps running, the capacity of the existing station is approximately 1400-1500 gpm.

ZONING REQUIREMENTS IN ARTICLE 12.2 for utility stations or substations:

- (1) Suitable fencing shall be required to protect the public, along with enough landscaping and planting to effectively screen the activity from surrounding residential property. All structures shall, at a minimum, maintain the yard setbacks of the district in which located. Required setbacks may be increased and other conditions may be attached by the reviewing board to prevent nuisance to surrounding property, because of noise, smoke, gas, odor, heat or vibration, the emission of which shall not be permitted in any residential district.

PROVIDED: Fencing and landscaping will be provided in accordance with NC requirements.

- (2) Suitable off-street parking space for maintenance, service, or other vehicles shall be provided.

PROVIDED: One loading dock is located at the facility.

- (3) Minor structures, such as hydrants, telephone or light poles, pole transmitters or transformers, or similar equipment, shall not be subject to these regulations.

- (4) The provisions of this section shall apply to public utility transmitting or relay stations, provided that no such station shall be permitted on a site less than one acre in area, and provided further that no site shall have a horizontal dimension less than twice the height of the tallest structure on the site.

- (5) In residential districts, all buildings shall be in character with surrounding residences.

PROVIDED: The structure will be a coastal design in character with the CBD area.

The determination of required curb, gutter and/or sidewalk shall be made by the Town Council upon review and recommendation by the Planning & Zoning Commission. Installed curb, gutter and sidewalks shall be installed for the entire length of the property. Required sidewalk shall be based upon one or more of the following:

- a. reasonable evidence that the sidewalk would be essential for pedestrian access to community facilities
- b. that such is necessary to provide safe pedestrian movement outside the street or street rights-of-way area;
- c. that such an extension could reasonably become an extension of existing sidewalks and/or other pedestrian ways.

Infrastructure and Storm water

The Town plans to maintain 1 1/2" storm water on-site.

Land Use Plan Consistency:

The proposal is in general conformity/ nonconformity with the Town Land Use Plan. Policies associated with this use include:

26. In an effort to revitalize the Central Business District the Town shall consider new economic development and redevelopment projects that support a resort-market niche, family-oriented businesses and year-round residency and does not diminish the quality of life or environment.

TRC Comment: these improvements must be completed prior to completion of the Hilton or the Fairfield
Wastewater Treatment and Disposal

- 64 All new developments are required to connect to the Town’s central sewer system.
 65 Package sewage treatment plants and septic systems are not allowed within the corporate limits of Carolina Beach.
 66 The Town shall continue to take measures (including on-going wastewater treatment plant expansions) to ensure that the wastewater treatment system is adequate to meet the needs of Town residents and businesses. The Town shall consistently provide public progress updates for these areas.

Solid Waste Disposal

- 67 The Town supports measures to recycle and reduce the amount of solid waste generated by all permanent residents and businesses, as well as visitors to Carolina Beach.

Neighborhood Contact

Town Notifications	Planning Commission	Town Council
Signs Posted	March 24, 2008	
Adjacent letters	March 24, 2008	
Advertisement Date	March 26 and April 02, 2008	

Specific standards. Applicant must make provisions for:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
- (4) Utilities, with reference to locations, availability, and compatibility;
- (5) Screening and buffering with reference to type, dimensions, and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

General conditions.

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The Technical Review Committee reviewed this proposal at its March 17, 2008 scheduled meeting. The TRC recommended the project to be submitted to the Planning and Zoning Commission with the four conditions under “Staff Recommendations.”

STAFF RECOMMENDATIONS:

The proposal as presented has not received any negative comments from Planning, Police, Manager, Operations, Fire and Inspections. Pump stations are allowed with the approval of a Conditional Use Permit for CBD zoned properties. Staff recommends the following conditions if the proposal is to be recommended for approval:

1. Copies of all federal and state approvals shall be submitted to the Town prior to the issuance of a building permit.
2. Flood Certification must be presented prior to issuance of certificate of occupancy.

3. The number and types of vegetation must be included on the final plan. A certificate of occupancy shall not be issued until landscaping is planted according to approved final site plan.
4. Prior to issuance of a building permit a recombination plat shall be recorded. One full size copy of the map shall be submitted to the Department of Planning and Development that includes the map book and page number where the map was recorded at New Hanover County.

---End of Memo---

Paul Parker, Operations Director – explains this CUP further. The lift station needs to be updated, and two additional wells will be drilled. The storage tank will hold 3 million gallons. The lift station was last rehabbed in 1973. Before that, there was a building built in the late 1950's. In 1973 expanded the wet well's size, but not enough for what it needs now. There will be four submersible pumps and three million gallons can pump through a day. There will be two wet wells and a new building with a metal roof. A generator will be located on-site, whereas now a generator must be moved to the site when needed. There is currently an odor problem, but the new pump station will eliminate it.

Commission Questions

Ms. McQuillen asks when construction will begin; Mr. Parker answers the plan is for this fall or winter and that it will take at least a year to construct.

Public Comments

Don Motsinger, 107 Carolina Beach Ave S – thinks this should have been done ten years ago.

End of Public Comments

Motion

Mr. Underwood moves to recommend approval of this Conditional Use Permit request, Specific Standards 1-7, General Conditions 1-4, Staff Recommendations 1-4, and to advise that it is consistent with the Land Use Plan. Ms. Efird seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #7 Non-Agenda Items

8:14pm

- a) Format of Agenda – The Commission will take this home to review.
- b) Parking Study – Ms. McQuillen asks if the town-owned spaces include the leased spaces; Mr. Ferguson says it includes them, specifically the 60 spaces at the Mack's lot. Ms. McQuillen asks about the fee for waiving parking spaces; Mr. Ferguson says that Council is considering it, but it has not been discussed yet.
- c) Planning Module – Ms. McQuillen wants to make sure the Commissioners all read this because the SOP needs to be updated. She wants this to be on the agenda for the next meeting.
- d) Table of Permissible Uses – Ms. McQuillen says some items can be taken out as CUPs, such as restaurants in the CBD. She would like an Ad-Hoc committee created consisting of Mr. Reynolds, Mr. Rees, and Mr. Underwood to make recommendations and provide a report at the June P&Z meeting. This is a proactive measure while the building boom is not here. The rest of the Commission agrees this is a good idea. Mr. Ferguson requests that the Ad-hoc committee meet during the day.

ITEM #8 Adjournment

8:21pm

Ms. Efird moves to adjourn. Mr. Underwood seconds. All ayes.

Respectfully submitted by Karen Crenshaw Middleton, Planning & Zoning Commission Secretary.